



**CENTRAL TEXAS
Regional Mobility Authority**

AGENDA ITEM #6 SUMMARY

Approve an amendment to the contract with W.P. Engineering Consultants, Inc., for operation of the HERO program.

Strategic Plan Relevance: Regional Mobility; Sustainability; Economic Vitality

Department: Operations

Associated Costs: This request \$1,860,000

Total HERO Program at completion of this Amendment is \$6,460,000

Funding Source: 80% Federal; 20% State: Surface Transportation Program, Metropolitan Mobility

Board Action Required: Yes

Description of Matter:

The Advanced Funding Agreement between the Mobility Authority and the Texas Department of Transportation effective August 9, 2012, approved funding for the HERO program up to a maximum of \$6,460,000.

On July 18, 2013, the Board approved Amendment #4 to extend the HERO program through July 18, 2014, with a funding amount not to exceed \$4,600,000. This request will extend the HERO Program through February 2016 and fund the HERO Program to the maximum \$6,460,000 authorized in the Advanced Funding Agreement.

Attached documentation for reference:

Draft Resolution

Contact for further information:

Tim Reilly, Director of Operations

**GENERAL MEETING OF THE BOARD OF DIRECTORS
OF THE
CENTRAL TEXAS REGIONAL MOBILITY AUTHORITY**

RESOLUTION NO. 14-___

**APPROVING AN AMENDMENT TO THE CONTRACT WITH W.P. ENGINEERING
CONSULTANTS, INC., FOR OPERATION OF THE HERO PROGRAM.**

WHEREAS, the Mobility Authority entered into a contract with W.P. Engineering Consultants, Inc., effective July 19, 2010, for safety patrol and related services provided under the Highway Emergency Response Operator program (“HERO Program”); and

WHEREAS, the Mobility Authority will receive additional funding to continue the HERO Program, as approved by the Capital Area Metropolitan Planning Organization (“CAMPO”) and the Texas Transportation Commission; and

WHEREAS, the Executive Director and W.P Engineering Consultants, Inc., have agreed to an amendment to the July 19, 2010, contract to continue the HERO Program, a copy of which is attached to this resolution as Exhibit 1, and the Executive Director recommends approval of the Proposed Amendment.

NOW THEREFORE, BE IT RESOLVED that the Board authorizes the Executive Director to finalize and execute the proposed contract amendment with W.P Engineering Consultants, Inc., in the form or substantially the same form as Exhibit 1.

Adopted by the Board of Directors of the Central Texas Regional Mobility Authority on the 30th day of April, 2014.

Submitted and reviewed by:

Approved:

Andrew Martin
General Counsel for the Central
Texas Regional Mobility Authority

Ray A. Wilkerson
Chairman, Board of Directors
Resolution Number: 14-___
Date Passed: 4/30/2014

Exhibit 1 to Resolution No. 14-

Proposed Contract Amendment

(on the following 2 pages)

**AMENDMENT NO. 5 TO
AGREEMENT FOR HIGHWAY EMERGENCY RESPONSE OPERATOR
PATROL SERVICES**

**CENTRAL TEXAS REGIONAL MOBILITY AUTHORITY
AND
W.P. ENGINEERING CONSULTANTS, INC.**

This Amendment No. 5 to the “Agreement for Highway Emergency Response Operator (“HERO”) Patrol Services” (“Amendment”) by and between the Central Texas Regional Mobility Authority (“Mobility Authority”) and W.P. Engineering Consultant (“Contractor”) is entered into effective as of _____, 2014.

WHEREAS, the Mobility Authority and the Contractor entered into the agreement dated effective July 19, 2010 (the “Contract”) and Amendment No. 3 dated effective August 31, 2012, wherein the Mobility Authority amended the maximum amount payable under the Contract to \$4,600,000;

WHEREAS, the Mobility Authority and the Contractor entered into the agreement dated effective July 19, 2010 (the “Contract”) and Amendment No. 4 dated effective July 18, 2013, wherein the Mobility Authority extended the term of the Contract for all purposes until July 18, 2014;

WHEREAS, the Mobility Authority has obtained additional funding for the HERO program under that certain “Advanced Funding Agreement” between the Mobility Authority and the Texas Department of Transportation, effective August 9, 2012, and now can fund the HERO Program up to a maximum amount of \$6,460,000;

WHEREAS, the Mobility Authority and the Contractor desire to extend the amount to a maximum of \$6,460,000 available to the Authority as funding for the HERO Program; and

WHEREAS, the Mobility Authority and the Contractor desire to extend the term of the Contract for all purposes until February 28, 2016.

NOW, THEREFORE, the Mobility Authority and the Contractor agree to the following:

Section 2(A) of the Contract is hereby amended to read in its entirety as follows:

The maximum amount payable under this Agreement is \$6,460,000. In no event may the aggregate amount of compensation paid to Contractor pursuant to this Agreement exceed \$6,460,000; *provided however*, that to the extent Contractor performs services not otherwise included within the Services set forth in this Agreement and such services are performed pursuant to the written instruction or written direction of the Mobility Authority, such services will not be subject to the maximum amount payable hereunder.

This Agreement shall terminate on February 28, 2016, unless:

- i. before a termination date established under this section, an earlier termination date is provided by Mobility Authority in a written notice from the Authority to Contractor that no additional HERO program funding is available under that certain "Non-Construction Advance Funding Agreement for a Surface Transportation Program: Metropolitan Mobility" between the Mobility Authority and the Texas Department of Transportation, effective August 9, 2012; provided, however, that a termination date established under this subsection (A)(ii) shall be no earlier than 30 days after the date of the written notice to Contractor.

Except as specifically provided in this Amendment, all other terms and conditions of the Contract, as amended, are acknowledged and reaffirmed by the parties hereto and remain in effect without change. If a provision of this Amendment conflicts with a provision of the Contract, the provision of this Amendment shall control.

This Amendment is executed by the parties effective as of _____, 2014, for all purposes.

"Contractor"

"Mobility Authority"

W.P. Engineering Consultants, Inc.

Central Texas Regional Mobility Authority

By: _____
Wayne Freise, President

By: _____
Mike Heiligenstein, Executive Director

Date: _____

Date: _____